

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 220, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF TURPENTINE.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 2 Drums Turpentine, a proceeding of libel under section 10 of the aforesaid act for seizure and condemnation of the said 2 drums of turpentine, lately pending, and finally determined on May 18, 1909, in the District Court of the United States for the District of Vermont by rendition of a decree of condemnation and forfeiture hereinafter fully set out.

The case having come on for final hearing and no one appearing to make any answer to the allegations of the said libel, on May 18, 1909, the court rendered its decree of condemnation and forfeiture in substance and in form as follows:

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT.

UNITED STATES
vs.
TWO DRUMS TURPENTINE. }

This cause came on for hearing on the 18th day of May, 1909, and it appearing that said libel was duly served and returned, and no one appearing to make any answer to the allegations in said libel, and it being made manifest that all and singular the premises aforesaid, are true, and within the jurisdiction of this court, it is thereupon ordered and decreed that the said two drums of turpentine in the information and libel mentioned, be, and the same are condemned as forfeited for the causes in said libel and information set forth.

Done in court at Windsor, this 18th day of May, 1909.

JAMES L. MARTIN,
United States District Judge.

The facts in the case were as follows:

On or about January 26, 1909, an inspector of the Department of Agriculture found in the possession of the Dr. B. J. Kendall Company, Enosburg Falls, Vt., 2 drums containing about 112 gallons of turpentine, labeled "Spirits Turpentine," which had been manufactured and shipped to said Kendall Company by the Carolina Pine Products

Company, a corporation of Cleveland, Ohio, on December 16, 1908. A sample was taken from this consignment and analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to contain 35 per cent of mineral oil. From the aforesaid analysis it appeared that the article was adulterated within the meaning of the act in that it was sold under the name of "Spirits Turpentine," which in common parlance means, and is identical with, "oil of turpentine," a name recognized in the United States Pharmacopoeia, while it differed, in fact, from the standard of strength, quality, and purity laid down therein in that a quantity of mineral oil had been substituted in part for the genuine article; and was misbranded within the meaning of section 8 of the act in that it was labeled "Spirits Turpentine," whereas it was not, in fact, spirits of turpentine, or oil of turpentine, but a mixture of oil of turpentine and mineral oil.

Accordingly, on January 28, 1909, the Secretary of Agriculture notified the United States attorney for the District of Vermont that the aforesaid 2 drums of turpentine were then in the possession of the said Dr. B. J. Kendall Company, Enosburg Falls, Vt., having been shipped as above stated, and that they were adulterated and misbranded within the meaning of the act. On February 1, 1909, the United States attorney filed a libel in the District Court of the United States for the District of Vermont praying seizure, condemnation, and forfeiture of the said goods, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 23, 1910.*

